

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARTHUR McELROY,	)	4:06CV3162
	)	
Plaintiff,	)	
vs.	)	<b>ORDER</b>
	)	
PATIENT SELECTION	)	
COMMITTEE OF THE NEBRASKA	)	
MEDICAL CENTER, et al.,	)	
	)	
Defendants.	)	

IT IS ORDERED that:

1. Defendant James H. Sorrell's motion to dismiss (filing 19) is denied without prejudice to raising the same issues on motion for summary judgment.<sup>1</sup>
2. The clerk of the court shall rename the plaintiff's "motion" to deny defendant's motion to dismiss (filing 21) as a "brief".<sup>2</sup>
3. Plaintiff's motion to compel discovery (filing 28) is denied for failure to comply with the certification requirement of Federal Rule of Civil Procedure 37(a)(2)(B).

May 9, 2007.

BY THE COURT:  
s/ *Richard G. Kopf*  
United States District Judge

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<sup>1</sup> See memorandum and order entered on January 30, 2007 (filing 23), denying a similar motion to dismiss filed by the other defendants.

<sup>2</sup> See NECivR 7.1(b)(1)(A) ("The party opposing a motion shall not file an "answer," or "opposition," "objection," or "response" to a motion, or any similarly titled responsive pleading, but instead shall file a paginated brief . . .").